

STAFF REPORT

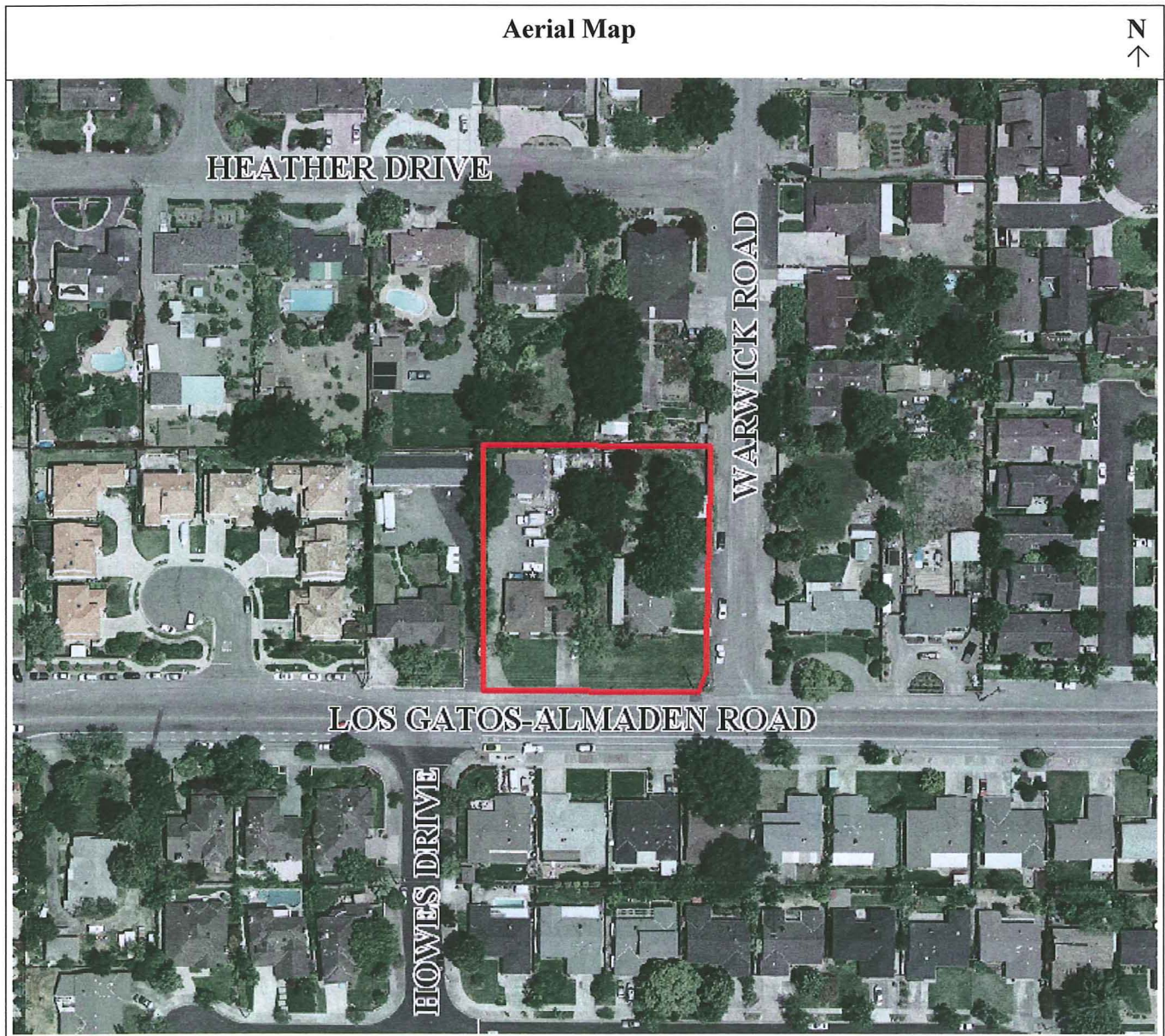
FILE NO.: C07-087

Submitted: 10/24/07

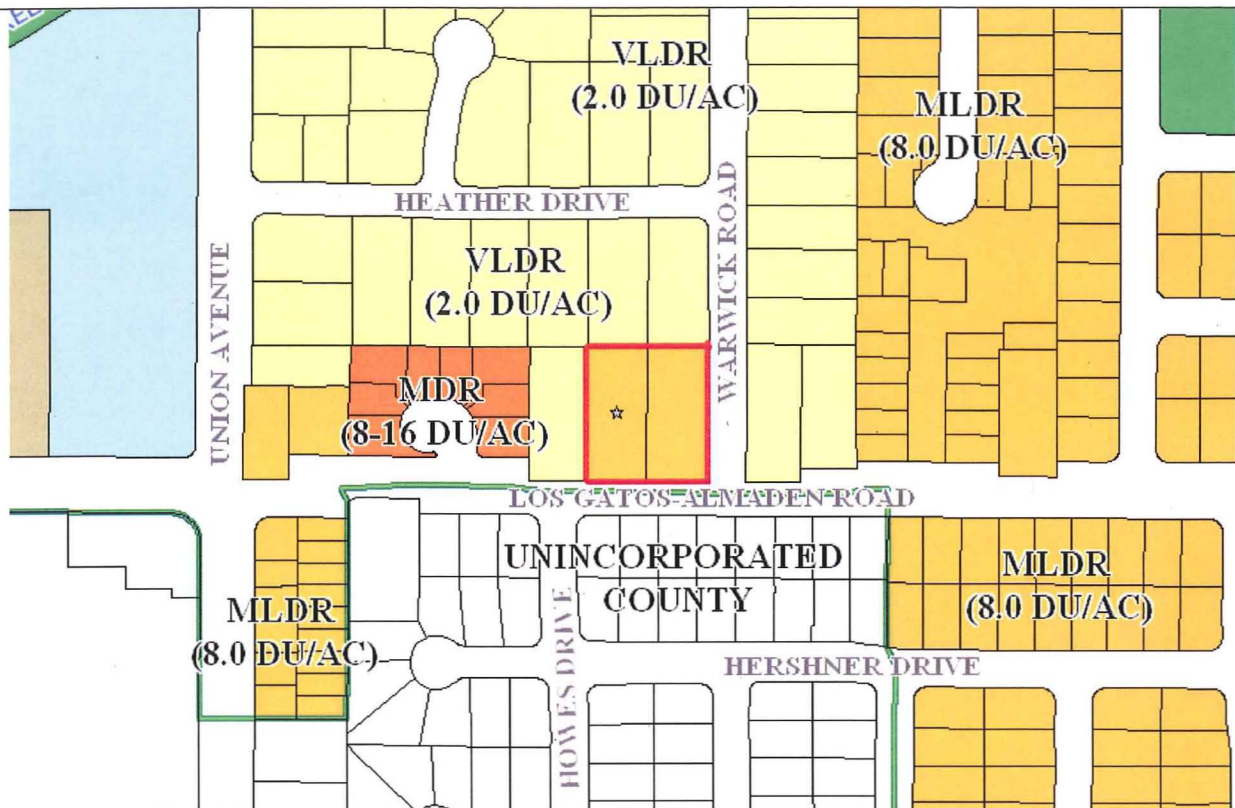
PROJECT DESCRIPTION: Conforming Re-Zoning from R-1-2 Residence Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.99 gross acre site.

LOCATION: Northwest corner of Los Gatos-Almaden Road and Warwick Road.

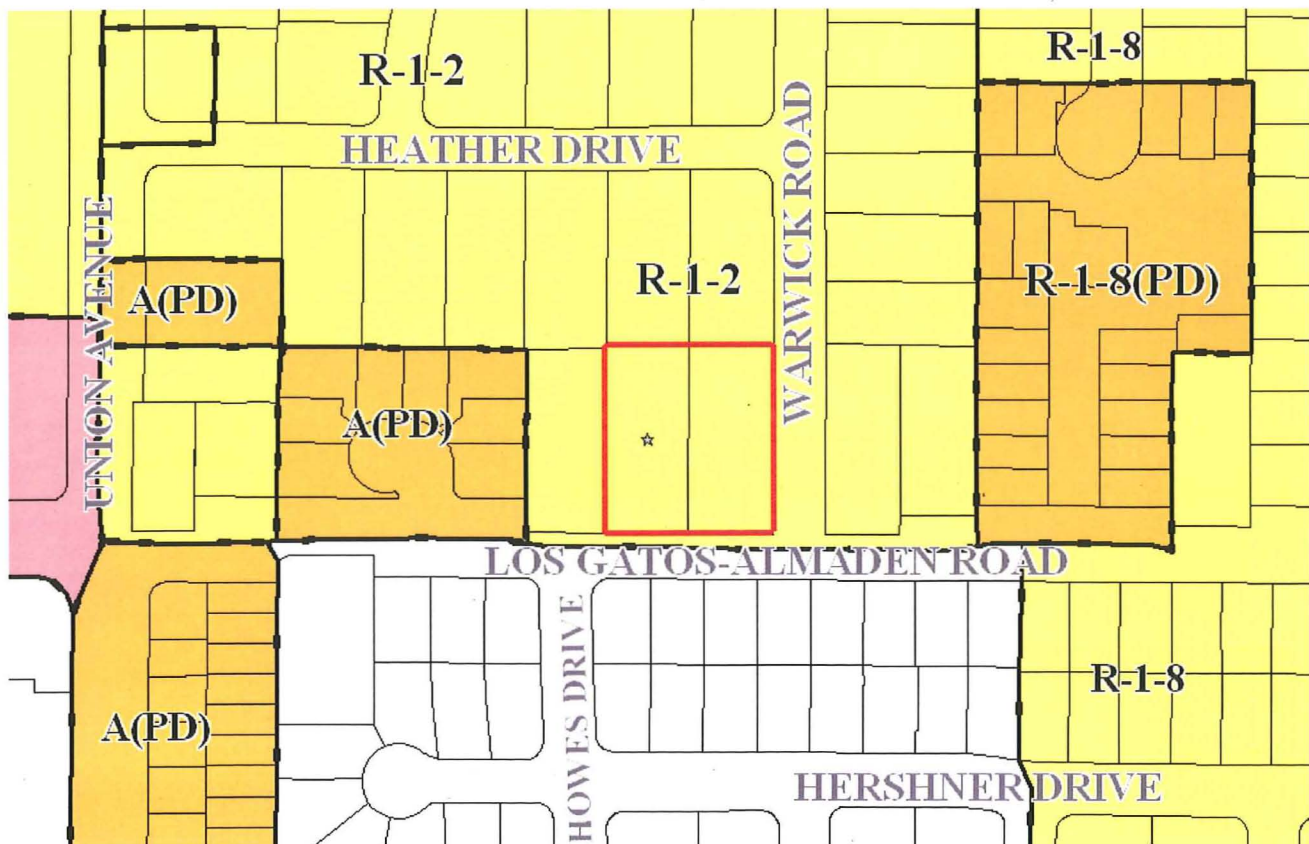
Existing Zoning	R-1-2 Single-Family Residence
Proposed Zoning	R-1-8 Single-Family Residence
General Plan	MLDR (8.0 DU/AC)
Council District	9
Annexation Date	2/1/1986
SNI	None
Historic Resource	No
Redevelopment Area	No
Specific Plan	N/A



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends approval of the proposed Conforming Rezoning for the following reasons:

1. The proposed rezoning is in conformance with the General Plan Land Use/Transportation Diagram designation of General Commercial.
2. The proposed rezoning will facilitate development of this site that is consistent with the General Plan and compatible with the surrounding uses.

BACKGROUND & DESCRIPTION

The property owner, Abdy Mirzadegan, is requesting a conforming rezoning of the subject 0.99 gross-acre site, at the northwest corner of Los Gatos-Almaden Road and Warwick Road, from R-1-2 Single Family Residential Zoning District to R-1-8 Single Family Residential Zoning District. The intent of the rezoning is to facilitate a subsequent Tentative Map application to allow a future subdivision of the two existing lots to five lots. The site is currently developed with two single-family detached residences and is surrounded by single-family residences on all sides. As the subdivision is being reviewed through the Tentative Map process, this Conforming Rezoning only evaluates the change in the zoning of the site.

A General Plan Amendment, GP04-09-01, was approved on April 24, 2007 to modify the Land Use/Transportation Diagram from Very Low Density Residential (2.0 DU/AC) to Medium Low Density Residential (8.0 DU/AC). The City Council approved the General Plan Amendment, recommending that the properties be developed with no more than five units in order to conform to the existing patterns of development in the neighborhood.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed by a Final EIR entitled, "San José 2020 General Plan," and certified on August 16, 1994, by the City of San José City Council.

GENERAL PLAN CONFORMANCE

The site is designated Medium Low Density Residential (8.0 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram. The proposed R-1-8 Single Family Zoning District is consistent with this designation because it would allow single-family detached residential uses at a density at less than 8.0 dwelling units per acre, consistent with the surrounding residential uses.

ANALYSIS

The proposed R-1-8 Single Family Residential Zoning District allows single-family residential uses. The proposed rezoning to R-1-8 Single Family Residential Zoning District would conform to the General Plan and would facilitate implementation of development that is both consistent with the General Plan Land Use/Transportation Diagram and compatible with surrounding uses. If this conforming rezoning is approved, the property owner will be able to develop the property with a subdivision of no more than five residential lots, which requires a Tentative Map from Planning and a Final Map from Public Works.

Approval of this rezoning would facilitate the Tentative Map application on file for a subdivision of the two existing lots to five single-family residential lots, which would result in a density of approximately 5.1 DU/AC. A public hearing by the Director of Planning for the Tentative Map is expected in March. Assuming that any future proposed single-family residence does not trigger the requirements for a Single-Family House Permit (greater than 30 feet in height, more than two stories or greater than 45% Floor Area Ratio), no additional Planning Permits would be required.

Project Manager: Avril Baty

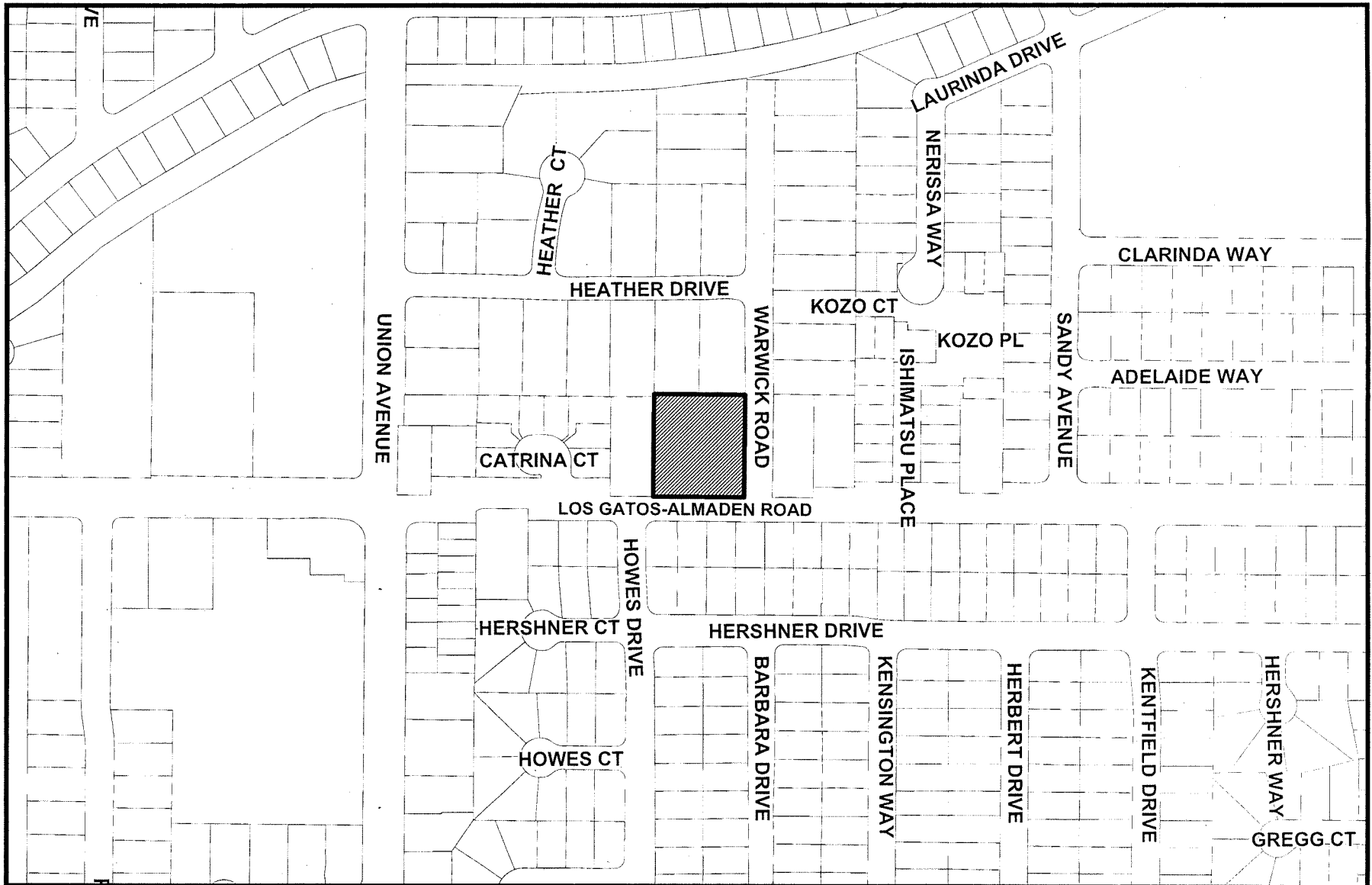
Approved by:

Jean Hamilton

Date:

1/14/08

Owner/Applicant:	Attachments:
ABDY MIRZADEGAN 14431 FRUITVALE AVE SARATOGA CA 95070	Location Map



Scale: 1"= 300'

Map Created On: 10/23/2007

Noticing Radius: 500 feet

File No: C07-087, T07-087

District: 9

Quad No: 127